

### REMARKS

Claims 1-76 are pending. Claims 1-28 and 35-67 have been previously withdrawn from consideration, as being directed to a non-elected invention. Claims 29 and 68 are the sole independent claims to be examined. Claims 29 and 31 have been amended. Claims 68-76 have been added. Support for the claim changes is found, for example, in Figs.1-3 and the accompanying disclosure, and therefore, no new matter has been added. Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections in view of the following remarks. Applicant also respectfully requests entry of this amendment because this amendment is believed clearly to place this application in condition for allowance. Therefore, entry of this amendment as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested.

#### *Statement of Substance of Interview*

Applicant gratefully acknowledges the courtesies extended by the Examiner during the telephone interview on March 27, 2011. In the interview, the Examiner agreed that she would consider withdrawing the outstanding rejection if Claim 29 was amended to recite additional structural features shown in Fig. 1 that are not shown in the Vaal et al. publication.

#### *Rejection*

Claims 29-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2003/0022038 (Vaal et al.).

In response, while not conceding the propriety of the rejection, Claim 29 has been amended to recite additional structural features that are submitted not to be shown in the Vaal et

al. publication. Thus, Claim 29 now recites a fuel cell system, comprising a fuel cell, a connecting part, a signal-producing sensor, and a controller. The connecting part is configured and positioned to connect a fuel cartridge and includes a movable valve-pressing element positioned to abut a valve of the fuel cartridge and movable to a position to press the valve to an open position. The signal-producing sensor is attached to the connecting part at a position facing and actuated by the fuel cartridge when the fuel cartridge is being connected to the connecting part. The controller is connected to the sensor and configured to cause the moving of the movable valve-pressing element to the position to press the valve of the fuel cartridge to the open position in response to the sensor abutting the fuel cartridge, thereby supplying a fuel from the fuel cartridge connected to the connecting part to start replacement of gas in the fuel cell system.

In contrast, the Vaal et al. publication is not understood to disclose or suggest the movable valve-pressing element, the signal-producing sensor, and the controller as recited by amended Claim 29. Therefore, Applicant submits that Claim 29 is not anticipated or rendered obvious by the Vaal et al. publication, and respectfully requests that the rejection of Claim 29 be withdrawn.

In addition, new independent Claim 68 has been added to recite in "means-plus-function" form, the features recited in Claim 29 prior to this amendment. As a result, Applicant submits that the Office cannot disregard the functions recited in Claim 68 in examining this claim, as was done to the corresponding functional features previously recited in Claim 29, as detailed on page 2 of the March 15, 2011 Office Action. Moreover, Applicant submits that the Vaal et al. publication does not disclose or suggest sensor means for detecting that the fuel cartridge is connected to the connecting means, and means for controlling the fuel cell system to cause a fuel to be supplied from the fuel cartridge connected to the connecting means in response to the

sensor means detecting that the fuel cartridge is connected to the connection means to start replacement of gas in the fuel cell system as soon as the fuel cartridge is connected to the connecting means, as recited new Claim 68. Therefore, Applicant respectfully requests that Claim 68 be allowed.

Applicant submits that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not presented earlier, because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 C.F.R. § 1.116.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims, including new dependent Claim 69-76, is respectfully solicited.

### *Conclusion*

In view of the foregoing remarks, it is respectfully submitted that the pending claims are allowable over the art of record, and that the application is in condition for allowance. Therefore, favorable reconsideration and early passage to issue of the application are earnestly solicited.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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